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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*without reference to a Main Committee (A/54/L.86 and Add.1)*]

54/280. Agreement to regulate the relationship between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

The General Assembly,

Recalling its resolution 54/65 of 6 December 1999, in which it invited the Secretary-General to take the appropriate steps to conclude, with the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, an agreement to regulate the relationship between the United Nations and the Preparatory Commission, to be submitted to the General Assembly for its approval,

Noting the decision of the Preparatory Commission of 5 May 2000[1] to approve the Agreement to Regulate the Relationship between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization,

Having considered the Agreement to Regulate the Relationship between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization,[2]

Approves the Agreement, the text of which is annexed to the present resolution.

98th plenary meeting
15 June 2000

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[1] CTBT/PC-11/CRP.7.

[2] A/54/884, annex.

ANNEX

Agreement to Regulate the Relationship between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

The United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization,

Bearing in mind the relevant provisions of the Charter of the United Nations (hereinafter the "Charter") and of the Comprehensive Nuclear-Test-Ban Treaty[3] (hereinafter the "Treaty"),

Bearing in mind also resolution CTBT/MSS/RES/1 of 19 November 1996 of the Meeting of States Signatories to the Treaty (hereinafter the "Resolution") establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (hereinafter the "Commission"),

Recalling also that in accordance with the Charter, the United Nations is the principal organization dealing with matters relating to the maintenance of international peace and security and acts as a centre for harmonizing the actions of nations in the attainment of goals set out in the Charter,

Recalling further the relevant provisions of the Treaty which provide for cooperation between the United Nations and the Comprehensive Nuclear-Test-Ban Treaty Organization,

Noting that, pursuant to the Resolution, the Commission was established for the purpose of carrying out the necessary preparations for the effective implementation of the Treaty,

Acknowledging that the activities of the Commission performed pursuant to the Treaty and the Resolution will contribute to the realization of the purposes and principles embodied in the Charter,

Desiring to make provision for a mutually beneficial relationship whereby the discharge of their respective responsibilities may be facilitated,

Noting that General Assembly resolution 54/65 of 6 December 1999 and the decision of the Commission of 29 April 1999[4] call for the conclusion of an agreement to regulate the relationship between the United Nations and the Commission,

Have agreed as follows:

Article I

General

1. The United Nations recognizes the Commission as an entity in working relationship with the United Nations as defined by the present Agreement, which, by virtue of the Resolution, has standing as an

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[3] A/50/1027, annex.

[4] See CTBT/PT-8/1/Annex IX.

international organization, authority to negotiate and enter into agreements and such other legal capacity as is necessary for the exercise of its functions and the fulfilment of its purposes.

2. The Commission recognizes the responsibilities of the United Nations under the Charter, in particular, in the fields of international peace and security and economic and social, cultural and humanitarian development, protection and preservation of the environment and peaceful settlement of disputes.

3. The Commission undertakes to conduct its activities in accordance with the purposes and principles embodied in the Charter and with due regard to the policies of the United Nations furthering the said purposes and principles.

Article II

Cooperation and coordination

1. The United Nations and the Commission, recognizing the need to work jointly to achieve their common objectives, and with a view to facilitating the effective exercise of their responsibilities, agree to cooperate closely and to consult and to maintain a close working relationship on matters of mutual interest and concern. To that end, the United Nations and the Commission shall cooperate with each other in accordance with the provisions of their respective constituent instruments.

2. In view of the responsibilities of the Commission under the Resolution, the United Nations and the Commission shall, in particular, cooperate in the implementation of the following provisions of the Treaty:

(*a*) Paragraph 13 of article II of the Treaty, related to the convening by the Secretary-General of the United Nations, as the depositary of the Treaty, of the initial session of the Conference of the States Parties to the Treaty;

(*b*) Article XIV of the Treaty, related to the convening by the depositary, upon the request of a majority of States that have already deposited their instruments of ratification, of Conferences to consider and decide by consensus what measures consistent with international law may be taken to accelerate the ratification process in order to facilitate the early entry into force of the Treaty.

3. The Commission shall, within its competence and in accordance with the provisions of the Treaty, cooperate with the United Nations by providing to it at its request such information and assistance as may be required in the exercise of its responsibilities under the Charter. In case confidential information is provided, the United Nations shall preserve the confidential character of that information.

4. The United Nations and the Commission recognize the necessity of achieving, where applicable, effective coordination of the activities and services of the United Nations and the Commission with a view to avoiding unnecessary duplication of such activities and services, particularly with respect to common services at the Vienna International Centre.

5. The Secretariat of the United Nations and the provisional technical secretariat of the Commission shall maintain a close working relationship on issues of mutual concern in accordance with such arrangements as may be agreed from time to time.

6. The Secretary-General of the United Nations and the Executive Secretary of the Commission shall consult from time to time regarding their respective responsibilities and, in particular, regarding such administrative arrangements as may be necessary to enable the United Nations and the Commission effectively to carry out their functions and to ensure effective cooperation and liaison between the Secretariat of the United Nations and the provisional technical secretariat of the Commission.

Article III

Reciprocal representation

1. The Secretary-General of the United Nations, or his representative, shall be entitled to attend and participate without vote in sessions of the Commission and, subject to the rules of procedure and practice of the bodies concerned, in meetings of such other bodies as may be convened by the Commission, whenever matters of interest to the United Nations are under consideration.

2. The Executive Secretary of the Commission shall be entitled to attend plenary meetings of the General Assembly for the purposes of consultation. The Executive Secretary shall be entitled to attend and participate without vote in meetings of the Committees of the General Assembly and, subject to the rules of procedure and practice of the bodies concerned, in meetings of subsidiary bodies of the General Assembly and the Committees concerning matters of interest to the Commission. Whenever other principal organs of the United Nations consider matters which are of relevance to the activities of the Commission, at the invitation of that organ, the Executive Secretary may attend its meetings to supply it with information or give it other assistance with regard to matters within the competence of the Commission. The Executive Secretary may, for the purposes of the present paragraph, designate any person as his representative.

3. Written statements presented by the United Nations to the Commission for distribution shall be transmitted by the provisional technical secretariat of the Commission to all members of the appropriate organ or organs of the Commission. Written statements presented by the Commission to the United Nations for distribution shall be transmitted by the Secretariat of the United Nations to all members of the appropriate organ or organs of the United Nations.

Article IV

Reporting

1. The Commission shall, within its competence and in accordance with the provisions of the Treaty, keep the United Nations informed of its activities, and may submit through the Secretary-General of the United Nations reports thereon on a regular or ad hoc basis to the principal organs of the United Nations concerned.

2. Should the Secretary-General of the United Nations report to the United Nations on the common activities of the United Nations and the Commission or on the development of relations between them, any such report shall be promptly transmitted by the Secretary-General to the Commission.

3. Should the Executive Secretary of the Commission report to the Commission on the common activities of the Commission and the United Nations or on the development of relations between them, any such report shall be promptly transmitted by the Executive Secretary to the United Nations.

Article V

Resolutions of the United Nations

The Secretary-General of the United Nations shall transmit to the Executive Secretary of the Commission resolutions adopted by the principal organs of the United Nations pertaining to issues relevant to the Treaty and the Resolution. Upon receipt thereof, the Executive Secretary shall bring the resolutions concerned to the attention of the Commission and report back to the United Nations on any action taken by the Commission, as appropriate.

Article VI

Agenda items

1. The United Nations may propose agenda items for consideration by the Commission. In such cases, the United Nations shall notify the Executive Secretary of the Commission of the agenda item or items concerned, and the Executive Secretary, in accordance with his authority and the relevant rules of procedure, shall bring any such agenda item or items to the attention of the Commission.

2. The Commission may propose agenda items for consideration by the United Nations. In such cases, the Commission shall notify the Secretary-General of the United Nations of the agenda item or items concerned, and the Secretary-General shall, in accordance with his authority and the relevant rules of procedure, bring any such item or items to the attention of the principal organs of the United Nations concerned.

Article VII

Exchange of information and documents

1. The United Nations and the Commission shall arrange for the exchange of information, publications and documents of mutual interest.

2. In fulfilment of the responsibilities entrusted to him under article XVI of the Treaty and in the light of the responsibilities of the Commission under paragraph 18 of the Resolution, the Secretary-General of the United Nations shall transmit to the Commission copies of communications received by the Secretary-General as depositary of the Treaty.

3. The Commission shall, to the extent practicable, furnish special studies or information requested by the United Nations. The submission of such studies and information shall be subject to conditions set forth in article XII of the present Agreement.

4. The United Nations shall likewise, to the extent practicable, furnish the Commission, upon its request, with special studies or information relating to matters within the competence of the Commission. The submission of such studies and information shall be subject to conditions set forth in article XII of the present Agreement.

5. The United Nations and the Commission shall make every effort to achieve maximum cooperation with a view to avoiding undesirable duplication in the collection, analysis, publication and dissemination of information related to matters of mutual interest. They shall strive to combine, where appropriate, their

efforts to secure the greatest possible usefulness and utilization of such information and to minimize the burdens placed on Governments and other international organizations from which such information may be collected.

Article VIII

International Court of Justice

The Commission agrees, subject to such arrangements as it may make for the safeguarding of confidential information, to furnish any information which may be requested by the International Court of Justice in accordance with the Statute of the Court.

Article IX

United Nations laissez-passer

The United Nations recognizes that due to the special nature and universality of the work of the Commission, as defined in the Resolution, officials of the Commission shall, in accordance with such special arrangements as may be concluded between the Secretary-Generai of the United Nations and the Executive Secretary of the Commission, be entitled to use the laissez-passer of the United Nations as a valid travel document where such use is recognized by States in the instruments or arrangements defining the privileges and immunities of the Commission.

Article X

Personnel arrangements

1. The United Nations and the Commission agree to consult whenever necessary concerning matters of common interest relating to the terms and conditions of employment of staff.

2. The United Nations and the Commission agree to cooperate regarding the exchange of personnel, bearing in mind the nationality of States signatories of the Treaty, and to determine conditions of such cooperation in supplementary arrangements to be concluded for that purpose in accordance with article XV of the present Agreement.

Article XI

Budgetary and financial matters

1. The Commission recognizes the desirability of establishing budgetary and financial cooperation with the United Nations in order that the Commission may benefit from the experience of the United Nations in this field and to ensure, as far as may be practicable, the consistency of the administrative operation of the two organizations in the field.

2. Subject to the provision of article XII of the present Agreement, the United Nations may arrange for studies to be undertaken concerning budgetary and financial matters of interest to the Commission with a view, as far as may be practicable, to achieving coordination and securing consistency in such matters.

3. The Commission agrees to follow, as far as may be practicable and appropriate, the standard budgetary and financial practices and forms used by the United Nations.

Article XII

Costs and expenses

The costs and expenses resulting from any cooperation or the provision of services pursuant to the present Agreement shall be subject to separate arrangements between the United Nations and the Commission.

Article XIII

Protection of confidentiality

Subject to the provisions of paragraphs 1 and 3 of article II, nothing in the present Agreement shall be so construed as to require either the United Nations or the Commission to provide any material, data and information the furnishing of which could, in its judgement, require it to violate its policy regarding the confidentiality of such information.

Article XIV

Registration

Either the United Nations or the Commission may register the present Agreement with the United Nations.

Article XV

Implementation of the Agreement

The Secretary-General of the United Nations and the Executive Secretary of the Commission may enter into such supplementary arrangements for the implementation of the present Agreement as may be found desirable.

Article XVI

Amendments

The present Agreement may be amended by mutual consent between the United Nations and the Commission. Any amendment, once agreed upon, shall enter into force upon its approval by the General Assembly of the United Nations and the Commission.

Article XVII

Entry into force

The present Agreement shall enter into force upon its approval by the General Assembly of the United Nations and the Commission.

IN WITNESS WHEREOF the undersigned, being duly authorized representatives of the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, have signed the present Agreement.

SIGNED this 26th day of May in the year two thousand in New York in two originals in the English language.

For the United Nations:

(*Signed*) Kofi A. ANNAN
Secretary-General

For the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization:

(*Signed*) Wolfgang HOFFMANN
Executive Secretary